

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7407 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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M/S SHRIRAM SALT & CHEMICAL WORKS

Versus

COLLECTOR

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Appearance:

MR GM JOSHI for Petitioner  
MR TS SOMPURA AGP for the respondent  
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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 10/01/97

ORAL JUDGEMENT

Rule. Learned Govt. Counsel Mr.T.S. Sompura waives the service of Rule for the respondent.

The present petition under Article 226 of the Constitution of India requires a partial recognition. The simple facts are that, the petitioner, M/s.Shriram Salt & Chemical Works, at Bharuch had obtained the lease

of land for the purpose of salt manufacture. The prayer of the petitioner came to be recognised under the orders passed by the Collector, Bharuch, on July 22, 1992. A piece of land admeasuring 250 acres out of Survey No. 2892/1 of village Katpor under the Hansot Taluka of Bharuch District, came to be granted to the petitioner. There has been a condition in the orders granting the land that the petitioner shall have to obtain the necessary licence for the manufacture of salt from the appropriate Department. It appears that due to various reasons, this could not be accomplished within the stipulated time-frame and ultimately, by the impugned orders dated May 18, 1996, the grant of the lease came to be cancelled. These orders are in challenge in the present petition before me.

The principal contention coming from learned Counsel Mr. Gautam Joshi for the petitioner is that, the above said orders have been passed by the Collector, Bharuch, behind the back of the petitioner without affording a reasonable opportunity of hearing. The learned Counsel for the petitioner also urges that, as the above said orders are violative of the Principle of Natural Justice, they require to be quashed and set aside and the matter requires to be remanded to the Collector, Bharuch for decision according to law after hearing the petitioner. It is also the say coming from learned Counsel Mr. Joshi that, if this exercise could be deferred for a period of three months, it would be possible for the petitioner to obtain the necessary licence for the manufacture of salt. There was no answer to the principal contention raised by learned Counsel Mr. Joshi, available with the learned Govt. Counsel, Mr. Sompura.

It appears that the impugned orders have been passed without affording any opportunity whatsoever to the petitioner of being heard. The only course, therefore, which appears to be permissible is to recognise the present petition in part and to quash and set aside the impugned orders and to re-transmit the matter to the Collector, Bharuch with appropriate directions.

In the result, the present petition is granted in part. The impugned orders are set aside and the matter is remanded to the Collector, Bharuch for the decision according to law and on merits, after affording a reasonable opportunity of being heard to the petitioner. This exercise should be deferred for a period of three months hereof, so that the petitioner can have the

requisite efforts in obtaining the licence for salt manufacture and if it is done, the same could be presented before the Collector, who would hear the remanded proceedings. The petition succeeds to the above said extent and the same is hereby allowed to the said extent. Rule is made absolute to the above said extent only.

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